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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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| **UNITED STATES OF AMERICA,** Plaintiff, | ) | Magistrate Docket No. '08 MJ 21 09 |
| v. | ) | COMPLAINT FOR VIOLATION OF: |
| **Leonardo RAMIREZ-Tepoz,** Defendant | ) | Title 8, U.S.C., Section 1326 Deported Alien Found in the United States |

The undersigned complainant, being duly sworn, states:

On or about **July 10, 2008** within the Southern District of California, defendant, **Leonardo RAMIREZ-Tepoz,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **11th** DAY OF **JULY, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**
**Leonardo RAMIREZ-Tepoz**

## PROBABLE CAUSE STATEMENT

Agents assigned to the San Diego Sector, Smuggling Interdiction Group, Criminal Alien Squad (SIG/CAS) utilize various sources to locate and arrest previously deported criminal aliens who have returned to the United States. Through record checks, Agents discovered that defendant **Leonardo RAMIREZ-Tepoz**, a previously deported criminal alien, was possibly residing in the 1400 block of North Broadway Avenue in Escondido, California.

On July 10, 2008, SIG/CAS Agents were conducting surveillance in the North Broadway Avenue area. At approximately 6:55 a.m., Agents E. Blas and A. Cacho, observed a male individual matching the description and likeness of the defendant exiting a residence. Agents Blas and Cacho approached the defendant and identified themselves as United States Border Patrol Agents. Both agents questioned the subject as to his identity and his immigration status. The defendant stated that he was in fact Leonardo RAMIREZ-Tepoz. Agents asked the defendant about his citizenship and nationality. The defendant stated that he was born in Mexico. Agents questioned the defendant if he had any immigration documents that would allow him to enter or remain in the United States legally. The defendant stated that he did not. The defendant was arrested and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 7, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights and was willing to make a statement without an attorney present. The defendant stated the he is a citizen and national of Mexico and that he does not possess any documents allowing him to enter or to remain in the United States legally. The defendant also stated that he re-entered the United States on or about June 25, 2008 near Tecate, California.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

7/11/08
Date/Time